

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MOISES QUINTANILHA,

Plaintiff,

v.

FEDEX FREIGHT, INC.

Defendants.

Case No. 4:22-cv-40128

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, § 1441, and § 1446 and for the sole purpose of removing this matter to the United States District Court for the District of Massachusetts, Defendant FedEx Freight, Inc. (“FedEx” or “Defendant”) states as follows:

A. State Court Action

1. Plaintiff Moises Quintanilha (“Quintanilha” or “Plaintiff”) filed an action against Defendant in the Massachusetts Superior Court in and for the County of Worcester on October 7, 2022.

2. In his Complaint, Plaintiff alleges the following claims against Defendant: violations of M.G.L. c. 151B § 4 for failure to accommodate, disability discrimination, national origin discrimination, race discrimination and retaliation (Counts I through V), interference with right to be free of discrimination (Count VI); retaliation in violation of M.G.L. c. 152 § 95B (Count VII); failure to pay earned sick time in violation of M.G.L. c. 149, § 148C (Count VII); and earned sick time interference/retaliation in violation of M.G.L. c. 149, §§148C & 150 (Count IX). (See Compl. ¶¶ 22-52).

3. Copies of all process, pleadings, and orders received by Defendant in the Superior Court action are attached hereto as Exhibit A.

B. Diversity Jurisdiction

4. This Court has original jurisdiction in the case because: (a) the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and cost; and (b) the controversy is between citizens of different states.

5. In the Civil Action Cover Sheet filed with the Superior Court of Massachusetts for Worcester County, Plaintiff stated that he is seeking damages in the action in the amount of \$750,000. (*See* Ex. A at ____.) Plaintiff is a resident of Massachusetts. FedEx Freight, Inc. is incorporated in Delaware and had its principal place of business in Tennessee. Complete diversity therefore exists between the parties and this matter is removable on the basis of diversity.

C. Timeliness of Notice of Removal

6. This action is timely removed to this Court by Notice of Removal pursuant to 29 U.S.C. § 1446(b) because fewer than thirty (30) days have elapsed since Defendant/s receipt of Summonses and Complaint, which were served upon Defendant's registered agent on October 24, 2022.

D. Relief Requested

7. Defendant respectfully requests that the United States District Court for the District of Massachusetts assume jurisdiction over the above-captioned action and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial of this action.

8. The undersigned has served notice of the removal of this action on Plaintiff, by serving his counsel with this Notice of Removal, and has filed a copy of this Notice of Removal with the Clerk of Court in the state court action. A copy of the Notice to State Court of Removal to Federal Court is attached hereto as Exhibit B, without its exhibits.

9. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of the Defendant's rights to assert any defense, including, but not limited to, those defenses available under Rule 12 of the Federal Rules of Civil Procedure or otherwise.

10. A copy of the Civil Cover Sheet is attached hereto as Exhibit C

11. A copy of the United States District Court for the District of Massachusetts Category Form is attached hereto as Exhibit D.

Respectfully submitted,

FEDEX FREIGHT, INC.

/s/ Laura M. Raisty

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Dated: November 10, 2022

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 10, 2022.

/s/ Laura M. Raisty
Laura M. Raisty